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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/673,846

09/29/2003

Mark Bernard Hettish

2003P08062US

3718

7590

09/26/2006

Siemens Corporation
Attn: Elsa Keller, Legal Administrator
Intellectual Property Department
170 Wood Avenue South
Iselin, NJ 08830

EXAMINER

PADMANABHAN, KAVITA

ART UNIT

PAPER NUMBER

2161

DATE MAILED: 09/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/673,846

Applicant(s)

HETTISH, MARK BERNARD

Examiner

Kavita Padmanabhan

Art Unit

2161

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 June 2006.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 and 15-17 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-7 and 15-17 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 29 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 6/22/06.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Status of Claims

1. Claims 1-7, 15, and 16 have been amended.
2. Claims 8-14 have been canceled.
3. Claim 17 has been added.
4. Claims 1-7 and 15-17 are pending.
5. Claims 1-7 and 15-17 are rejected.

Information Disclosure Statement

6. The supplemental information disclosure statement (IDS) submitted on 6/22/06 was filed to correct typographical errors that were present in the IDS filed on 9/29/03. The supplemental IDS is being considered by the examiner.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. **Claims 1-7 and 15-17** are rejected under 35 U.S.C. 102(b) as being anticipated by **Diacakis et al.** (US 2002/0116336, hereinafter “Diacakis”).

In regards to **claim 1**, **Diacakis** teaches a method, comprising:

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- determining a device context for a device associated with an identity (**Diacakis; par [0038]; par [0040]; par [0043] – par [0044]; par [0056]; Fig. 8**), wherein said device context provides an availability status of said device (**Diacakis; par [0026]; par [0045]; par [0053]**);
- determining an identity context for said identity, wherein said identity context provides an availability status of said identity (**Diacakis; par [0056]; par [0059]; Fig. 8**);
- determining an availability rule associated with said identity (**Diacakis; par [0031]**);
- determining a true availability of said identity based, at least in part, on said device context, said identity context, and said availability rule (**Diacakis; par [0034] – par [0035]; par [0038]; par [0040]; par [0043] – par [0044]; par [0056]; [0059]; Fig. 8**);
- and
- providing data indicative of said true availability of said identity (**Diacakis; par [0035]; Fig. 8**).

In regards to **claim 2**, **Diacakis** teaches the method of claim 1, further comprising receiving a request for information regarding true availability of said identity (**Diacakis; par [0029] – par [0030]**).

In regards to **claim 3**, **Diacakis** teaches the method of claim 1, wherein said determining said true availability of said identity includes determining availability of said identity via at least two different media channels (**Diacakis; par [0031], lines 21-25; par [0035]; par [0038]; par [0040]; par [0043] – par [0044]**).

In regards to **claim 4**, **Diacakis** teaches the method of claim 1, further comprising establishing said availability rule (**Diacakis; par [0031]**).

In regards to **claim 5**, **Diacakis** teaches the method of claim 1, wherein said providing data indicative of said true availability of said identity includes displaying an interface indicative of said availability (**Diacakis; par [0056]; Fig. 8**).

In regards to **claim 6**, **Diacakis** teaches the method of claim 5, wherein said interface identifies said identity (**Diacakis; par [0056]; Fig. 8**).

In regards to **claim 7**, **Diacakis** teaches the method of claim 1, further comprising determining said identity (**Diacakis; par [0038]; par [0056]; Fig. 8**).

Claims 15 and 16 are each rejected with the same rationale given for claim 1.

In regards to **claim 17**, **Diacakis** teaches the method of claim 1, wherein said identity is associated with a plurality of devices (**Diacakis; par [0026]; par [0044] – par [0045]; Fig. 8**).

Response to Amendment

9. The supplemental information disclosure statement (IDS) submitted on 6/22/06 that was filed to correct typographical errors that were present in the IDS filed on 9/29/03 is being considered by the examiner.

10. Applicant's amendments filed 6/22/06 with respect to the specification objections have been considered. The objections have been withdrawn accordingly.

11. Applicant's amendments filed 6/1/06 with respect to the claim objections have been considered. The objections to the claims have been withdrawn accordingly.

12. Applicant's amendments filed 6/1/06 with respect to the 35 U.S.C. 112, second paragraph rejections have been considered. The corresponding rejections have been withdrawn accordingly.

13. With respect to the 35 U.S.C. 101 rejections, the rejections have been withdrawn in view of the cancellation of claim 14.

Response to Arguments

14. Applicant's arguments filed 6/22/06 with respect to the prior art rejections of the claims have been fully considered but they are not persuasive.

Applicant argues that Diacakis does not teach determining a device context for a device associated with an identity, wherein said device context provides an availability status of the device and determining a true availability of the identity based, at least in part, on the device context, the identity context, and the availability rule. In particular, applicant argues that

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Diacakis teaches, at most, determining a presence of an individual or group of individuals, and not a status of a device.

The examiner respectfully disagrees with the applicant's arguments. The examiner asserts that Diacakis does indeed teach a device context that provides an availability status of a device (Diacakis; par [0026]; par [0045]; par [0053]). Clearly, whether a wireless telephone is switched on or off, for example, is an indication of the availability status of a device (Diacakis; par [0026]).

Conclusion

15. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Kavita Padmanabhan** whose telephone number is **571-272-8352**. The examiner can normally be reached on Monday-Friday, 9:00am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Gaffin can be reached on 571-272-4146. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Kavita Padmanabhan
Assistant Examiner
AU 2161

KP.

September 18, 2006



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PRIMARY EXAMINER